IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2943 OF 2007

IN

WRIT PETITION NO.6323 OF 2005

Dattatraya Hatkar .. Petitioner

Versus

Mohan A. Hande & Ors. .. Respondents

Mr.Kansara i/b. Kansara & Thanekar for petitioner

Mr.Ketan Chotani for respondents.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th December 2007

P.C.

. Heard Mr.Kansara for petitioner and Mr.Chotani for respondent Nos. 1 and 2 -

original plaintiffs. For the reasons set out in the civil application and considering that the petition was already admitted, the application is allowed in terms of prayer clauses (a) and (b). Delay is condoned. Petition is restored to file. However, Mr.Chotani states that in the meanwhile, decree for possession has already been executed and the possession of the subject premises has been handed over to the original plaintiffs - decree holders. This fact is not disputed by Mr.Kansara. Hence, at this stage there cannot be any interim orders.

(S.C.Dharmadhikari, J)